



City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

February 8, 2006

[Click on back arrow to return to Main Menu](#)

Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

CONSENT AGENDA

- PA1 Proclamation in Honor of Black History Month.
- PA2 Certificate of Appreciation/Jeff Lehman, Miami Beach Visitor & Convention Authority.
- PA3 Certificates of Completion/2005 Neighborhood Leadership Academy Graduates.
- PA4 Proclamation/Michael Thompson, Years of Service in Miami Beach. (Bower)
- PA5 **New Item:** Certificate of Appreciation/Stephanie Cofino & Mark Baranek. (Gross)

- C2A Approve Purchase, Several Vehicles from Various Vendors, \$404,302.30.
- C2B Approve Purchase, (1) 2006 Komatsu FD40ZT-8 Forklift, \$30,389.00.
- C2C Approve Purchase, (2) 2006 Altec L42A Over-Center Aerial Lift Device, \$180,708.00.
- C2D Approve Purchase, (4) Mercury Optimax Saltwater Engines, \$35,834.00.

- C4A Ref: Finance & Citywide Projects Committee - Collins Avenue & 13th Street Joint Venture.
- C4B Ref: Neighborhoods/Community Affairs Committee - Lifeguard Stands Locations. (Libbin)
- C4C Ref: Land Use & Development Committee - Utility Line Clearing Ordinance. (Bower)**A**
- C4D Ref: Fin. & CWP Comm.-Domestic Partner Benefits Coverage Termination-Police/Fire. (Bower)**A**

- C6A Report: G.O. Bond Oversight Committee Meeting on January 9, 2006.
- C6B Report: Finance & Citywide Projects Committee Meeting on January 19, 2006.

- C7A Execute Amendment No. 1, Municipal Multi-Purpose Parking Garage Project.
- C7B Elect Commissioner Saul Gross as Vice-Mayor for March 1 - June 30, 2006.
- C7C Execute Historic Preservation Easement, Colony Theater Project.
- C7D Support House Bill 177, School Year Opening Date.
- C7E Support the Public Schools Legislative Priorities, Class Size Amendment.
- C7F Retroactively Submit Funding Requests to Various Funding Agencies.
- C7G Appoint Thomas Velazquez as Building Director for Miami Beach.
- C7H Issue RFP, Investigative & Adjusting Services for Liability & Workers' Comp Claims.
- C7I Issue a Purchase Order, To Use Pine Bark Brown Mulch Citywide.
- C7J Accept Recommendation, RFQ for Independent Structural Engineers.**SM**
- C7K Approve Application for Historic Ad Valorem Tax Exemption, 5645 North Bay Road.
- C7L Approve Application for Historic Ad Valorem Tax Exemption, 55 Palm Avenue.
- C7M Execute Subgrant Agreement, Domestic Preparedness Equipment Program.
- C7N Approve PAL to Use Public Swale at Dade Blvd for Food Concession, Feb. 16-20, 2006.
- C7O Execute Memorandum of Agmt w/ Miami-Dade County, Install Special Wayfinding Signs.
- C7P Appropriate Funds, Stormwater Improvements in Sunset Harbour Drive & 20th Street.
- C7Q Execute Landscape MMOA w/ FDOT, Median & Roadside Areas on Indian Creek Drive.
- C7R Declare Parking Emergency, Allow MBSH-PTA to Use Swale at Dade Blvd, Feb.16-20.
- C7S Approve in Concept a Grant from Jewish Museum of Florida, Renovation of Synagogue.
- C7T Approve Settlement of City Lien for 1971 71st Street (Rossam Properties, Inc.).**SM**
- C7U Approve Settlement of City Lien for 8435 Crespi Blvd (Delvin & Carmen Fruit).**SM**

REGULAR AGENDA

- R5A **10:15 a.m. 2nd Rdg**, Newsracks Ordinance Amendment. **SM**
- R5B **10:30 a.m. 2nd Rdg**, Off-Street Parking Requirement for Residential Uses. **5/7**
- R5C **1st Rdg**, Parking Pedestal Design Requirements. **5/7/SM**
- R5D **1st Rdg**, Regulation of Storage Containers. **5/7/SM**
- R5E **10:45 a.m. 1st Rdg**, Merge Retirement System for General Employees.**SM**
- R5F **10:45 a.m. 1st Rdg**, Amend Employee Benefits Plans (Group Health Insurance).
- R5G **1st Rdg**, Amend No. 789, Classified Employees Salary Ordinance.
- R5H **3:00 p.m. 1st Rdg**, Naming of Public Facilities & Establishments of Monuments & Memorials.
- R7A **3:00 p.m.** Execute Lease Agmt w/ Miami City Ballet, Building at 2200 Liberty Avenue. **5/7**
- R7B **Joint**, Execute Amendment No. 1, Water & Wastewater Main Upgrades in City Center.
- R7C Exempting Miami Beach from Miami-Dade County Sexual Predator Ordinance.
- R7D Adopt 3rd Amendment to the General/Enterprise & Internal Service Fund Budgets (FY 04/05).
- R7E Approve Amendment No. 2, Restoration of Medians in Washington Avenue.**SM**

- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments - City Commission Appointments.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss Resolution Supporting Emergency Response Plan from Gas Stations. (Steinberg)
- R9D Discuss Turtle Nesting Protection Ordinance. (Bower)
- R9E **W-Discuss** Foul Smell at 28th St. & Pine Tree Drive Sewer Pump Station. (Garcia)

- A City Attorney's Status Report.
- B Parking Status Report - October 2005.
- B1 Parking Status Report - November 2005.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Status Report: Construction of Fire Station No. 4.
- E Status Report: Normandy Isle Park & Pool Project.
- F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report: RDA Itemized Revenues & Expenditures for the Month of November 2005.
- 1B Report: RDA Itemized Revenues & Expenditures for the Month of December 2005.
- 2A **Joint**, Execute Amendment No. 1, Water & Wastewater Main Upgrades in City Center.

2B Approve Early Termination of Retail Lease for Fuddruckers in the Anchor Shops.

Meeting called to order at 9:23:01 a.m.

Pledge of Allegiance led by Chief De Lucca.

Invocation given by Pastor Annette Jones, St. John's United Methodist Church.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials: Additional Information/Resolution

C7J (Resolution), C7T (Resolution), C7U (Resolution), R5A (Ordinance), R5C (Ordinance), R5D (Ordinance), R5E (Exhibits: A, B, & C), R7E (Additional Information)

Addendum items: C4C and C4D

ACTION: Motion made by Vice-Mayor Steinberg to add items C4C and C4D as emergency items to the Commission Agenda; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Commissioners Bower and Cruz.

Presentations and Awards

9:50:54 a.m.

PA1 Proclamation To Be Presented In Honor Of Black History Month.
(City Manager's Office)

ACTION: Proclamation presented.

Mayor Dermer commended Jorge Gonzalez, City Manager, for honoring Black History Month every year since he started with the City. He read the proclamation.

Jorge Gonzalez, City Manager, thanked Mayor Dermer for his compliment, but explained that there is an employee-driven committee that does all the planning.

Nathaniel Frazier announced the upcoming events prepared to celebrate Black History Month.

Jorge Gonzalez, City Manager, thanked the committee for their efforts and also announced the art exhibit on display on the fourth floor.

Stanley Shapiro, Prime Time Seniors facilitator, announced that there will be a bus available on February 27th at the North Shore Open Space Park to transport residents to the Black History Month events planned in downtown Miami.

Commissioner Garcia congratulated Mr. Shapiro for his worthwhile endeavors.

9:43:45 a.m.

PA2 Certificate Of Appreciation To Be Presented To Jeff Lehman, General Manager Of The National Hotel, For His Service On The Miami Beach Visitor And Convention Authority.
(Tourism & Cultural Development)

ACTION: Certificate presented.

Mayor Dermer stated that he hopes Jeff stays active in the community.

Commissioner Bower stated that Jeff is leaving the VCA but he is not leaving the City. She added that Jeff opened his heart to this community and works very hard. She stated that she will place him on another board and thanked him for vision on the VCA.

Jeff Lehman thanked the City Commission and stated that he appreciates the honor and recognition and what the City does for the residents.

9:57:19 a.m.

PA3 Certificates Of Completion To Be Presented To The Graduates Of The 2005 Fall Class Neighborhood Leadership Academy.
(Neighborhood Services)

ACTION: Certificates presented. Fairfax Atherton, Raquel Berman, Inta Berzins, Kimberly Cacioppo, Thomas Campbell, Sam Carson, Maureen Donnelly, Kevin Duran, Jorge Exposito, Gary Farmer, Martha Feldman, Jackie Fernandes, Herb Franks, Gisenia Gonzalez, Liesel Gras, Richard Grochan, Bill Haber, Riitta-Liisa Helminen, Nancy Hensel, Peter Junge, Melissa Keeley, Christopher Klemek, Dwight Kraai, Karla Llarena, Tui Munday, Winifred Orden, Alina Pastiu, Jorge Perez-Rubio, Vivi Pineda, Rosemary Ravinal, Matthew Ruiz, Sagina Salomón, Heriberto Sanchez, Sandra Scidmore, Henry Stolar, Suzanne Stolar, Will Thomas, Lilia Tome, Daniel Veitia and Lisa Ware.

Jorge Gonzalez, City Manager, explained that the Neighborhood Leadership Academy is designed to educate residents about Miami Beach and local government and foster positive relationship between government and residents, and encourage them to get involved in civic life. He congratulated them for their perseverance and stated that they are now more informed citizens of Miami Beach after taking this class. He read the names of the recent graduates, and in answering Vice-Mayor Steinberg's question, he explained that the Leadership Academy teaches about City government behind the scenes, and gives participants an introduction to the different City departments and an opportunity to meet with management staff. He also announced that the next 13-week course Academy begins in March.

Henry Stolar spoke.

9:29:00 a.m.

PA4 Proclamation To Be Presented To Mr. Michael Thompson For His Valuable Years Of Service In The City Of Miami Beach.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Proclamation presented.

Mayor Dermer stated that Mike has been politically active in this community for a long time, and Miami Beach is a better City because of his services.

Commissioner Bower stated that Mike will be greatly missed and added that Mike was a wonderful activist with over 20 years of community involvement, which is very much appreciated; and that is why she decided to proclaim today Mike Thompson's day.

Commissioner Libbin stated that it is sad that Mike is leaving the City and that he will miss him as a dedicated co-worker, friend and neighbor.

Vice-Mayor Steinberg thanked Mike for developing his webpage City Debate.com. He explained that this website gives people a forum to voice their opinions and he thanked him for that.

Michael Thompson stated that he has received recognition over the years and each one of them is framed and hung on the wall at home or his office. Since he is receiving this recognition all by himself, it is more special than all of the others that he received. He stated that he has been encouraged and inspired by many great residents, including Mildred Falk, who taught him how not to be part of the problem, but part of the solution; people like Joe Fontana, Jose Smith, Bruce & Ronnie Singer, Debora Ruggiero, J.P. Morgan, Ruth Gudis, Sy Eisenberg, Judge Gelber and many others. He especially thanked Commissioner Bower for the proclamation and concluded his statement by saying "May God Continue to Bless Miami Beach."

9:38:55 a.m.**New Item:**

PA5 Certificate of Appreciation to Stephanie Cofino and Mark Baranek for their involvement with Temple Beth Shalom.

(Requested by Commissioner Gross)

ACTION: Certificate presented.

Commissioner Gross stated that Temple Beth Shalom recently had several events reaching out into the community and Mark and Stephanie participated, but they also participate with the youth of the community all the time. They participated in the Police Department's toy drive, school drive, hurricane relief and cancer clinic, just to name a few. They do great things and are great role model for the kids. He read the certificate and thanked them for their involvement.

Mark Baranek thanked the City Commission for this recognition and added that they are privileged to work with the children.

9:47:06 a.m.

New Item:

PA6 Certificates Of Appreciation To Be Presented To Miami Ad School And Its Students Who Worked On The City Of Miami Beach 2005 Holiday Card Project From Visual Impact Class Taught By Ms. Pippa Seichrist.

(Requested by Commissioner Matti Bower)

ACTION: Certificates presented to the following students that participated: Mayeenyl Alam, Dinah Brito, Alberto Carballo, Stan Chin, Georgina Quejman, Regner Lotz, Alexandra Mainka, Lucas Napolitano, Ana Maria Osorio, Elizabeth Robinson, Christina Soler, Josh Stark, Matt Stock, Corina Wu and Keith Zang.

Commissioner Bower stated that there is a lot of creativity at this school and that they do give to the community when asked. She stated that among the winners were:

For Snow ball card: Alberto Carballo and Stan Chin

For TV Spot: Ana Maria Osorio and Elizabeth Robinson

For Sand Man- Snow Man: Josh Stark and Matt Stock

Pippa Seichrist thanked the City Commission for this honor and added that the school was named one of the ten top schools in the world.

Handout or Reference Materials:

1. List of students from Miami Ad School and name of winners.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Steinberg to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz.

C2 - Competitive Bid Reports

C2A Request For Approval To Purchase, Pursuant To Florida State Contract No. 04-12-0823, One (1) 2006 Ford Ranger 4x4 Extended Cab Truck, From Garber Ford, In The Amount Of \$20,490.15; One (1) 2006 Ford F-350 4x2 Utility Body Truck With Dual Rear Wheels, Three (3) 2006 Ford F-250 4x2 Utility Body Trucks, One (1) 2006 Ford F-150 4x2 Pick Up Truck, One (1) 2006 Ford F-150 4x2 Pick Up Truck With Lift-Gate, Seven (7) 2006 Ford Focus Vehicles, One (1) 2006 Ford 500 vehicle, Four (4) 2006 Ford Taurus Vehicles, Two(2) 2006 Ford Explorers, And Two (2) 2006 Ford Crown Victoria Police Pursuit Vehicles, From Duval Ford, In The Amount Of \$368,249.00; And, Pursuant To Florida State Contract 070-001-05, One (1) 2006 Chevrolet Impala Vehicle, From Garber Chevrolet, In The Amount Of \$15,563.15.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

C2B Request For Approval To Purchase One (1) 2006 Komatsu FD40ZT-8 Forklift From Lift Service Inc., In The Amount Of \$30,389.00 Pursuant To Federal General Services Administration Contract No. GS-07F-0305J.

(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2C Request For Approval To Purchase Two (2) 2006 Altec L42A Over-Center Aerial Lift Devices With Service Body, From Altec Industries Inc, Pursuant To Federal General Services Administration Contract No. GS-30F-1028G, In The Amount of \$180,708.00.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2D Request For Approval To Purchase Four (4) Mercury Optimax Saltwater Engines, From The Mercury Marine Division, Pursuant To Florida State Contract No. 120-440-05-1, In The Amount Of \$35,834.00.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee Regarding The Collins Avenue And 13th Joint Venture Proposal In Response To Request For Proposals No. 20-97/98 Issued For The Development Of Public/Private Parking Facilities In Miami Beach South Of Dade Boulevard In 1997.
(Parking Department)

ACTION: Referred. Patricia Walker to place on the committee agenda. Tim Hemstreet to handle. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz.

- C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Location Of Lifeguard Stands On The Most Crowded Portions Of Our Beaches.
(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Chief Jordan to handle.

Addendum:

- C4C Referral To The Land Use And Development Committee - Discussion Regarding "Utility Line Clearing," An FPL Proposed Ordinance For The Village Of Palmetto Bay, Florida.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Fred Beckmann to handle.

Addendum:

- C4D Referral To The Finance And Citywide Projects Committee Regarding the Domestic Partner Benefits Coverage Termination – Miami Beach Fraternal Order of Police Health Trust/ Fire Fighters Insurance Trust.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Referred. Patricia Walker to place on the committee agenda. **Linda Gonzalez** to handle.

C6 - Commission Committee Reports

- C6A Report Of The G.O. Bond Oversight Committee Meeting On January 9, 2006: **1)** Contingency Report; **2)** Discussion Items: A. Annual Report; B. Botanical Gardens; **3)** Project Status Report: A. Update On Fire Station #2; B. Update On Fire Station #4; C. Normandy Isle Park And Pool; And **4)** Informational Item: A. Updated Calendar Of Scheduled Community Meetings.

ACTION:**Item No. 1:**

The Administration discussed Change Order #2 for Lummus Park Phase II in the amount of \$16,761.04. The Administration advised that the project was now closer to 100% complete, not 80% as stated, adding that the Building Department inspection was complete and FPL certificate was received last week.

Item No. 2(A):

The Administration advised that it did not complete the 2006 Annual Report, to include activity of GO Bond projects and expected timelines, but would finish it for the February meeting.

The Committee suggested that the Administration simply provide a draft with all necessary data, and the Committee will produce the final report and present it to the Commission. **Jorge Chartrand to handle.**

Item No. 2(B):

The Executive Director of the Botanical Garden inquired to the South Beach Representative regarding the status of the Botanical Garden; thereby adding this as a discussion item.

The Committee expressed concern because the project was not listed in the Capital Budget.

The Administration explained that if the project was planned in a prior fiscal year and no changes had been made to the project's budget the following fiscal year(s), it would not be republished; such was the case with the Botanical Garden project. The Administration continued to explain that the project is behind schedule, but still planned. The contractor's proposal was over budget, so the Consultant was asked to revisit the project within the budget limits. Consultant fees are also being renegotiated.

The Administration stated that it had advised the Executive Director the same and encouraged one's patience while the revised plan is being developed.

Item No. 3(A):

The Administration advised the Committee that progress continues at **Fire Station No. 2**; adding that the roof on the third floor is complete, interior walls are being installed and installations within the building are in progress. It is currently 60% complete, with a late spring substantial completion.

Item No. 3(B):

Fire Station No. 4 is even further along than **Fire Station No. 2**, the Administration informed the Committee, adding that a lot more work inside such as mechanical, electrical and plumbing has occurred. The Administration noted that the project is 65% complete at this time, with substantial completion by spring; adding that within the summer, both stations will be complete.

The Committee noted that the original completion date for Fire Station No. 4 was to be February 2006. The Committee asked for a definition of the term "substantially complete."

The Administration acknowledged that the completion date did change. The Administration explained

that there are two phases one goes through when they complete a project. "Substantially complete" refers to an obligation of the architect to analyze the construction, confirm that it is near completion and that the elements planned have been installed and are in compliance within the documents, and to develop a "punch list" of items that need to be corrected or completed. Finally if one believes that the building can be occupied for its intended use, the architect will sign and seal the as-built construction documents. The other stage is the issuance of a Certificate of Occupancy by the Building Official, which is a regulatory process and is subject to compliance with all applicable codes.

The committee asked if the Firefighters could occupy the building before the next hurricane, noting that they are now housed in trailers. The Administration said "yes."

Item No. 3(C):

The Administration advised that issues with previous installations of the pool portion at **Normandy Isle Park and Pool** continue to delay its completion. The building however, is moving forward with electrical and plumbing installations. The park portion's fence is 95% complete, the slab has been poured for the walkways and multi-purpose court, and the field's irrigation is complete and now awaits sod.

A discussion continued between the Committee and Administration as to what needed to be done to complete the project, including the pool in time for summer recess. The Committee stressed the importance of having the pool completed in time for summer. The Administration advised they are making every effort to facilitate communication between the Program Manager, Contractor and Building Inspectors to keep the project moving forward. The Committee suggested that the Director of Parks & Recreation Department, Kevin Smith, attend one of the upcoming meetings to address the plan to utilize each component of the park as they are completed. The Administration agreed to invite Kevin Smith to one of the upcoming meetings. **Kevin Smith to attend one of the upcoming meetings.**

Item No. 4:

The updated Calendar of Scheduled Community Meetings was presented and reviewed.

The Committee asked for clarification of the acronyms used, specifically "CDRM". The Administration apologized and explained that "CDRM" means "Community Design Review Meeting." The Administration explained that when the GO and neighborhood projects began, they made several commitments to the Community, to include the Basis of Design Reports, or "BODR." Furthermore, they made another commitment to bring back the documents during the development process to the Community at least twice, at 60% and 90% as "CDRMs," in order to show that what was promised in the BODR has been implemented.

The Committee stressed the importance of these meetings and understanding that the CDRM meetings are the Community's last chance to provide input to the design. The Administration explained that the meeting dates are published and letters are sent to the residents; as well as such information being posted on the City's website. The Administration read the upcoming meetings to the Committee.

The Committee inquired about the Drexel Avenue portion of the Flamingo project. The Administration informed the Committee that a new design had been submitted by the Consultant based on previous meetings and as soon as the Administration accepts it, it will be presented to the Community within a month. The Committee asked how the encroachments were addressed with respect to the sidewalks. The Administration advised that the sidewalks were not too wide, approximately five to six feet; adding that additional islands have been included between parking spaces to provide more landscaping.

The Committee asked when the Commission meeting will be able to elect new Community Representatives.

The Committee was advised of the Flamingo Park planning meeting at 945 Pennsylvania Avenue this evening.

The Committee discussed upcoming issues at the next Commission meeting to include undergrounding of utilities and the South Pointe Park Basis of Design Report with respect to dog-friendly portions including access to salt water.

The Committee expressed an interest to present the projects in a more logical way, either geographic or in terms of completion schedule. The Committee pointed out that Lummus Park and oceanfront project status appear to not have been updated since June or July. The Administration stated that negotiations for oceanfront projects did take some time to complete. The Committee stated that they would like to know the details of such delays, when they take place.

The Committee suggested covering one geographic region each quarter, or at a minimum, twice a year; by committing fifteen minutes per meeting, adding that further distinctions should be made within region based upon the phase at which they fall in completion.

The Committee and Administration had a discussion regarding how priorities are set regarding project rollout and what impedes their progress, such as input regarding drainage enhancements, and other add-ons.

- C6B Report Of The Finance And Citywide Projects Committee Meeting On January 19, 2006: **1)** Discussion Regarding Public Benefits Offered By The Miami City Ballet To Residents Of The City Of Miami Beach; **2)** Discussion Regarding A/E Additional Services For Construction Administration; **3)** Discussion Item Regarding Policy And Criteria For The Distribution Of Pay-As-You-Go Capital Funds (Item Deferred); **4)** Discussion Regarding An Effort To Create Work Force Housing In Miami Beach; **5)** Discussion Regarding The Carrfour Project At Meridian And 5th Street; And **6)** Discussion Regarding The Jewish Museum's Requests For \$500,000, In The Form Of A Grant From The City Of Miami Beach, To Help Fund The Renovation Of Their Recently Acquired Building.

ACTION:

Item No. 1:

The Committee moved the item to the full Commission recommending the addition of the proposed public benefits, offered by the Miami City Ballet to the Term Sheet. **See Agenda item R7A.**

Item No. 2:

The Committee instructed the Administration to schedule a Commission Workshop on February 15, 2006 in order to discuss the City's Capital Improvement Program. **The meeting was cancelled due to the Boat Show and was re-scheduled for March 1 at 10:00 a.m.**

Item No. 3:

Item Deferred.

Item No. 4:

The Committee recommended opposing both the Saunders bill and Haridopolis bill and schedule the item for further discussion at the next meeting.

Item No. 5:

The committee unanimously approved the funding of the Carrfour project, provided that they update the budget and are still in compliance with the terms of their agreement.

Item No. 6:

The Committee moved the item to the full Commission recommending the City award the Jewish Museum of Florida a \$500,000 capital funding assistance grant. **See Agenda item C7S.**

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Perkins & Will, Inc., In An Amount Not To Exceed \$167,980, For Additional Services For The Municipal Multi-Purpose Parking Garage Project, In Accordance To The Provisions Of The Agreement Which Call For Additional Compensation If The Garage Was Expanded In Scope.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26104 adopted. Patricia Walker to appropriate funds. Jorge Chartrand to handle.

City Clerk's note: The title should be appropriating funds and executing Amendment No. 1.

- C7B A Resolution Electing Commissioner Saul Gross As Vice-Mayor For A Term Commencing On March 1, 2006, And Terminating On June 30, 2006, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2006-26105 adopted. Robert Parcher to handle.

- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Historic Preservation Easement (Easement) To The Florida Trust For Historic Preservation (Florida Trust), Pertaining To The Colony Theater Project (Colony), In Accordance With Special Condition #21 Of The Grant Agreement Between The City And The United States Department Of The Interior, National Park Service, Dated April 6, 2001; Thereby Enabling The City To Draw Down The Remaining Funds From The Save America's Treasures Grant, That Are Being Withheld By The National Park Service Pending Full Execution Of The Easement By The City And The Florida Trust.

(Economic Development)

ACTION: Resolution No. 2006-26106 adopted. Tim Hemstreet to handle.

Handout or Reference Materials:

1. Three pages of color photographs of the different stages of the Colony Theater project including architectural rendering of final project and interior lobby restoration detail.

- C7D A Resolution Supporting House Bill 177 Relating To The School Year Opening Date.
(Economic Development)

ACTION: Resolution No. 2006-26107 adopted. Kevin Crowder to handle.

- C7E A Resolution Amending The City's State Legislative Agenda To Include Support Of The Miami-Dade County Public Schools Legislative Priorities, And Further, Continuing To Support The Class Size Amendment And Full Funding Of Said Amendment.

(Economic Development)

ACTION: Resolution No. 2006-26108 adopted. Kevin Crowder to handle.

10:31:01 a.m.

C7F A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit The Following Funding Requests: 1) Grant Application To The Federal Emergency Management Agency (FEMA), For Fiscal Year 2005/06 Hazard Mitigation Program Funds, For Funding, In An Amount Not To Exceed \$1,250,000, For Hazard Mitigation Projects, Citywide; And 2) Community Budget Issue Request To The State Of Florida, For Funding In An Amount Not To Exceed \$5,000,000 For Stormwater Infrastructure Improvement Funding ; Further Appropriating The Grant And Match, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Item separated for discussion by the Administration. Resolution No. 2006-26109 adopted as amended. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

Jorge Gonzalez, City Manager, requested amending the Resolution adding a third grant.

Amendment: Grant added:

"State of Florida Department of Community Affairs Division of Emergency Management for Emergency Management Preparedness and Assistance Trust Funds for the following three (3) projects: Emergency Operations Center Funding, Emergency Facilities Equipment Funding and Hurricane Fair and Emergency Training Funding in an amount not to exceed \$420,000."

10:20:37 a.m.

C7G A Resolution Consenting To The Appointment Of Thomas Velazquez As Building Director For The City Of Miami Beach.

(Human Resources)

ACTION: Item separated for discussion by the Administration. Resolution No. 2006-26110 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Mayra Buttacavoli to handle.

Jorge Gonzalez, City Manager, introduced the item. He stated that Mr. Velázquez has held the position of Building Director for Broward County since 2003, but has been an employee of Broward County for 18 years.

Commissioner Garcia stated that he is a critic of bringing employees from the outside rather than promoting from within. He stated that part of the organization is to nurture people to the next level. He wished Mr. Velázquez the best of luck and stated that he will receive the cooperation of his office.

Jorge Gonzalez, City Manager, reminded the City Commission that the last three appointments he has made came from within the organization.

Commissioner Gross thanked Hamid Dolikhani for a great job as Acting Director and stated that Hamid will provide the continuity for the Department that Commissioner Garcia was talking about. He also stated that he hopes that Mr. Velázquez will bring some of the best practices from other cities.

Jorge Gonzalez, City Manager, commended and thanked Hamid for his ten months of service as Acting Building Director. During the ten-month period, he was assigned some very difficult challenges, and he handled the challenges in a very professional manner. He learned and grew into the position quite nicely and will continue to be a valuable asset for the City. He remains committed

to the team. This will be a good two-person team.

Mayor Dermer stated that the building director is one of the toughest jobs in the City. He welcomed Mr. Velázquez.

Thomas Velázquez expressed his appreciation and the opportunity to serve this beautiful and interesting City. He stated that within the building official community the Miami Beach Building Department is much respected and considered to be one of the best in the State of Florida. He added that he is proud to be the Director of the Building Department.

Vice-Mayor Steinberg welcomed Mr. Velázquez and thanked and commended Hamid for his service as the interim director and for his work during and after Hurricane Katrina.

Commissioner Gross stated that the historic preservation community has reservations about this appointment since they do not know if Mr. Velázquez has the experience in this area. He urged Mr. Velázquez to reach out to this section of the community and try to understand the challenges in this area. He suggested that Hamid take him to the Coral Rock House. He also stated that it is the tradition of the Department to treat everyone fairly no matter who they are and added that it is very important that this tradition continues. **Thomas Velázquez to handle.**

- C7H A Resolution Authorizing The Administration To Issue A Request For Proposals (RFP) For Investigative And Adjusting Services For Selected Tort Liability Claims And Workers' Compensation Claims.

(Human Resources & Risk Management)

ACTION: Resolution No. 2006-26111 adopted. Gus Lopez to issue the RFP. Mayra Buttacavoli to handle.

- C7I A Resolution Approving Pursuant To Section 2-367(D) Of The Miami Beach City Code, The Issuance Of A Purchase Order To Amerigrow Recycling, The Sole Producer Of Pine Bark Brown Mulch™ To Be Used Citywide, In The Estimated Annual Amount Of \$40,000.

(Parks & Recreation)

ACTION: Resolution No. 2006-26112 adopted. Kevin Smith to handle.

Supplemental Material: Resolution

- C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms; Authorizing The Administration To Negotiate Professional Services Agreements Pursuant To Request For Qualifications (RFQ) No. 02-05/06, For Independent Structural Engineers With The Following Ranked Firms: 1) Douglas Wood & Associates; 2) Pistorino & Alam Consulting Engineers, Inc; And 3) Siddiq Khan And Associates, Inc; And Further Authorizing The Mayor And City Clerk To Execute Professional Service Agreements Upon Completion Of Successful Negotiations By The Administration.

(Planning Department)

ACTION: Resolution No. 2006-26113 adopted. Jorge Gomez to handle.

- C7K A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 5645 North Bay Road, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.
(Planning Department)

ACTION: Resolution No. 2006-26114 adopted. Jorge Gomez to handle.

Handout or Reference Materials:

1. Package containing:
 - a. Tax Exemption Final Order of the Historic Preservation Board (HPB File No. 3224)
 - b. Preconstruction Application for Historic Ad Valorem Tax Exemption
 - c. Supplemental Materials: Property Survey, Photos of Property, Building Permit Card, Microfiche of the Original Architectural Plans, and Property Tax Information
 - d. Architectural Drawings of the Existing Conditions and Proposed Improvements

- C7L A Resolution Recommending Approval Of A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 55 Palm Avenue, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant Said Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.
(Planning Department)

ACTION: Resolution No. 2006-26115 adopted. Jorge Gomez to handle.

Handout or Reference Materials:

1. Package containing:
 - a. Tax Exemption Final Order of the Historic Preservation Board (HPB File No. 3221)
 - b. Preconstruction Application for Historic Ad Valorem Tax Exemption
 - c. Supplemental Materials: Property Survey, Photos of Property, Building Permit Card, Microfiche of the Original Architectural Plans, and Property Tax Information
 - d. Current Photo Booklet
 - e. Architectural Drawings of the Existing Conditions and Proposed Improvements

- C7M A Resolution Of Authorizing The Mayor And The City Clerk To Execute A Subgrant Agreement For Equipment For Florida Strategy Between The City Of Miami Beach And The State Of Florida, Department Of Management Services To Participate In The State And Local Domestic Preparedness Equipment Program; Radio Interoperability Gateway System.
(Police Department)

ACTION: Resolution No. 2006-26116 adopted. Chief De Lucca to handle.

- C7N A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Approving And Allowing The Police Athletic League (PAL), A Not-For-Profit Entity, To Utilize The Public Swale Area, Located At Dade Boulevard And Prairie Avenue, Adjacent To Miami Beach Senior High School, And/Or In Close Proximity To City Hall, For A Fund Raising Event To Operate A Food Concession Stand, From February 16-20, 2006, During The Miami International Boat Show; Further Providing That Said Public Swale Be Utilized By PAL Subject To The Following Conditions: (1) That 100% Of The Profits Generated From This Fundraiser Be Returned To PAL For Its Exclusive Use; (2) That The Subject Permission Is Granted Without Establishing Precedent; And (3) That PAL Provide A Certificate Of Insurance Or Other Proof Of Comprehensive Liability Insurance To The City, Naming The City As An Additional Insured.

(Police Department)

ACTION: Resolution No. 2006-26117 adopted. Chief De Lucca, Vivian Guzman, Cliff Leonard, and Saul Frances to handle.

- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Memorandum Of Agreement With Miami-Dade County, Authorizing The City To Install Special Wayfinding Signs, Which Are Generally Not Provided And Maintained By The County, And Accepting Responsibility By The City For Capital Costs, Construction, Maintenance And Liability For Said Signs.

(Public Works)

ACTION: Resolution No. 2006-26118 adopted. Fred Beckmann to handle.

- C7P A Resolution Authorizing Appropriation Of \$550,000, From The Stormwater Revenue Series 2000 Bond Fund 428, For Stormwater Improvements In The Area Of Sunset Harbour Drive (Formerly Known As Purdy Avenue) And 20th Street.

(Public Works)

ACTION: Resolution No. 2006-26119 adopted. Patricia Walker to appropriate funds. Fred Beckmann to handle.

- C7Q A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Landscape Maintenance Memorandum Of Agreement (MMOA), Between The Florida Department Of Transportation (FDOT) And The City, Conveying Full Landscape Maintenance Responsibilities To The City, After FDOT Installs The City-Requested Landscaped Median And Roadside Areas On Indian Creek Drive, From 350 Feet South Of 63rd Street To Just North Of Abbott Avenue, As Part Of FDOT Financial Project Number 249940-1-52-01.

(Public Works)

ACTION: Resolution No. 2006-26120 adopted. Kevin Smith to handle.

Handout or Reference Materials:

1. Layout sheet of SR A1A – Indian Creek Drive (not dated)
2. Landscape Plan for SR A1A – Indian Creek Drive (not dated) – Sheet No. LD-05, LD-06, and LD-09

- C7R A Resolution Finding And Declaring The Existence Of A Parking Emergency And Allowing The Miami Beach Senior High School Parent Teacher Association (MBSH-PTA), A Not-For-Profit Entity, To Utilize The Public Swale Area Located At Dade Boulevard, Adjacent To The School, To Provide Additional Parking From February 16-20, 2006, For The Miami International Boat Show, Through A Fundraising Event; Further Providing That The Swale Area Be Utilized Exclusively By The MBSH-PTA Subject To The Conditions Set Forth In This Resolution.
(Tourism & Cultural Development)

ACTION: Resolution No. 2006-26121 adopted. Chief De Lucca, Vivian Guzman, Cliff Leonard, and Saul Frances to handle.

- C7S A Resolution Approving In Concept A Grant From The City To The Jewish Museum Of Florida In An Amount Not To Exceed \$500,000 For The Master Plan And Renovation Of The Historic Synagogue Located At 311 Washington Avenue; And Appropriating \$500,000 From South Pointe Capital Fund; And Delegating Authority To The City Manager To Enter Into A Grant Agreement With The Jewish Museum Of Florida, Provided Terms Of Such Agreement Are Satisfactory To The City Manager And City Attorney's Office
(City Manager's Office)

ACTION: Resolution No. 2006-26122 adopted. Patricia Walker to appropriate the funds. Hilda Fernandez to handle.

10:32:12 a.m.

Supplemental Material: Resolution

- C7T A Resolution Approving The Settlement Of A City Lien On Real Property Located At 1971 71st Street, Miami Beach, Florida, Owned By Rossam Properties, Inc., Resulting From Special Master Case No. JB990016 And Providing That The Lien In The Amount Of \$549,825.96 Plus Interest Be Settled For The Amount Of \$1,000.00.
(City Manager's Office)

ACTION: Item separated for discussion by Vice-Mayor Steinberg. Resolution No. 2006-26123 adopted as amended. Motion made by Vice-Mayor Steinberg to reduce the fine to \$0.00; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Robert Middaugh and R. Parcher to handle.

Second motion made by Commissioner Libbin directing the Administration to come back with proposed recommendations to address these kinds of fines; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. **Robert Middaugh to handle.**

Vice-Mayor Steinberg stated that it was the City's fault by serving the wrong individual and the property owner should not be penalized by the City's error. Motion made by Vice-Mayor Steinberg to remove all fines; seconded by Commissioner Garcia.

Commissioner Libbin stated that the entire process needs to be revisited by having a permit expiration notification process.

Robert Middaugh, Assistant City Manager, stated that the process has been significantly improved in the last two years. At the present time, there are only 19 properties with fines over \$100,000 and the City deals with them as they come up. He explained that the notice is sent by certified letter and also posted at the property. The problem is when notifications are sent to the legal registered agents. He suggested reviewing the inventory of properties with high fines and trying to resolve some of the

problems.

Commissioner Gross stated that he still gets notices on a building he has not managed in 14 years. The City goes by the Miami-Dade County records. He suggested that the City have a way to enter the correct registered agent in the City's records, even if the Miami-Dade County records are not current. **Patricia Walker to investigate having a second mailing address.**

Motion made by Commissioner Libbin directing the Administration to come back with proposed recommendations to address these kinds of fines.

Commissioner Gross stated that since the Building Department has posted open and expired permits online it has saved users tens of thousands of dollars. He stated that this cannot be done at this time with Code Compliance. He also stated that he spoke with Patricia Walker, Chief Financial Officer, and asked when Code Compliance violations were going to be available via the internet.

Jorge Gonzalez, City Manager, explained that the bigger issue is that the noise ordinance is being finalized and the issue is how to keep track of the different warnings and violations. The EDEN system will not be a total solution for Code Compliance. The objective is to try to find a system which will meet all of the requirements of Code Compliance. **Vivian Guzman and Patricia Walker to handle.**

Commissioner Garcia suggested sending a certified letter and if the letter is returned, to try to look for the responsible party.

Supplemental Material: Resolution

C7U A Resolution Approving The Settlement Of A City Lien On Real Property Located At 8435 Crespi Boulevard, Miami Beach, Florida, Owned By Delvin And Carmen Fruit, Resulting From Special Master Case No. JB00000666 And Providing That The Lien In The Amount Of \$294,601.22 Plus Interest Be Settled For The Amount Of \$19,000.00.
(City Manager's Office)

ACTION: Resolution No. 2006-26124 adopted. Robert Middaugh and R. Parcher to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:47:00 a.m.****Supplemental Material: Ordinance**

R5A An Ordinance Amending Chapter 82, Article IV, Division 3, Thereof Entitled "Newsracks" By Amending City Code Section 82-201 Entitled "Notice Of Violation Request For Hearing" By Authorizing The City Manager, Or Designee To Immediately Remove A Non-Permitted Newsrack Belonging To An Unregistered Publisher; Amending Section 82-231 Entitled "Fee Letter Of Compliance Required" Modifying The Procedures And Fees For Registering Newsracks: Providing For Codification; Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**

(Public Works)

(First Reading on January 11, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3502 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

City Clerk's note: Ordinance printed in the Agenda is the wrong ordinance. The correct ordinance was submitted via Supplemental Materials

10:48:15 a.m.

12:19: 14 p.m.

R5B Off-Street Parking Requirement For Residential Uses

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, Article VIII, "Procedure For Variances And Administrative Appeals," By Clarifying The Language Of Prohibited Variance Applications; Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," By Increasing The Off-Street Parking Requirement For Residential Uses And Suites Hotel Units In All Districts, Clarifying How Parking Requirements May Be Satisfied, Providing For Repealer, Severability, Codification And An Effective Date. **10:30 a.m. Second Reading, Public Hearing.**

(Planning Department)
(Continued from December 7, 2005)

ACTION: Public Hearing held. The City Commission made numerous amendments to the ordinance printed in the Commission Agenda. Before a final vote was taken, the City Commission requested the Planning Department and Legal Department to revise the ordinance and bring it back with the amendments later in the meeting. The first amendments made were:

First set of Amendments:

1. Designated Guest parking: Developments of 20 units or less shall have no designated guest parking requirement. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to five (5%) ten (10%) percent of the required residential parking spaces.
2. The Applicability Sections is amended as follows:

SECTION 6. Applicability.

Notwithstanding the provisions of Section 118-168(a) of the City Code regarding the enforcement of amendments to the land development regulations, for purposes of this ordinance, those projects that have ~~been approved by the~~ made an application to a jurisdictional development board as of the date of adoption of this ordinance by February 7, 2006 and have received approval by August 7, 2006, shall be fully vested, inclusive of including their rights to any extensions of time that may be needed for obtaining full building permits based upon the plans originally submitted and approved ~~and those properties.~~ Properties that are the subject of the Settlement Agreement between the City and the Related Entities and Portofino Entities, approved by the City Commission on July 28, 2004, or properties that are the subject of the Alternative Portofino DRI Development Order, shall be fully retain the rights vested in such Agreement or Order.

Ordinance No. 2006-3503 adopted as amended. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Second set of amendments:

Commissioner Gross requested the word "inclusive" in the Applicability Section 6. "...shall be fully vested, inclusive of any..." be replaced with "... shall be fully vested, ~~inclusive~~ including their rights to ~~of~~ any extension of time....." This amendment was approved without objection.

Daniel Veitia, President of the North Beach Community Development Corporation (NBCDC) Board, spoke.

There was extensive discussion regarding parking requirements.

Matt Gorson, Esq., Greenberg Traurig, et al., representing the Related Company, spoke about the status and plans for block 1 of the Settlement Agreement and the Concept Plan. In the Settlement Agreement there is a provision which states that no further action to change the land development requirements which would lower the intensity or change the Concept Plan will be taken. Since there isn't a final approved project that has been built there should be an exemption because increasing the parking requirements is going to change the Concept Plan.

Discussion continued regarding the date of approval.

Murray Dubbin, City Attorney, stated that he is concerned about the discussion regarding extensions and limitation of extensions. There are a lot of code provisions dealing with extensions of times for different things. He stated that he is concerned that something today may be adopted that might conflict with other extension provisions. He also expressed his concern about adopting this ordinance with all of the amendments discussed. He requested that the item be opened and continued.

Staff was directed to go back and incorporate the amendments discussed and come back later in the day with an amended ordinance.

The item was tabled at 11:38:50 a.m. and staff was directed to make the amendments and come back with the amended ordinance.

12:19:18 p.m.

Jorge Gomez, Planning Director, submitted the revised ordinance to the City Commission for their review.

Commissioner Gross recommended an amendment to Section 6, which was approved without objection.

Handout or Reference Materials:

1. Color map showing Miami Beach Parking Districts
2. Copy of the revised February 8, 2006 ordinance and a one page summary of the amendments made
3. Copy of a DRB Resolution dated February 7, 2006
4. Section 6. Applicability amendments

12:37:32 p.m.**Supplemental Material: Ordinance****R5C Parking Pedestal Design Requirements**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; Providing For Repealer, Codification, Severability And An Effective Date.

First Reading.

(Planning Department)
(Deferred from January 11, 2006)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

1. Sec. 142-156. Setback requirements (b)(3) "For properties 50 feet in width or less, the total amount of residential space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades"

Thomas Mooney, Preservation & Design Manager, Planning Department, read an amendment into the record and there was no objection to the amended language.

12:21:24 p.m.**Supplemental Material: Ordinance**

R5D An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**

(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendments:

1. Replace Section 142-1110 (b) - with 7 business days;
2. 142-1110 (f) delete the words "secured or": "... container shall be immediately ~~secured or~~ removed."

3. 142-1110 (c) second sentence should read "The homeowner, either directly or through the container provider, must..."

11:38:59 a.m.

Supplemental Material: Ordinance

R5E An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading.**
(Labor Relations)

ACTION: Ordinance approved on First Reading as amended. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Gross; Ballot vote: 5-0; Absent: Commissioners Cruz and Libbin. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Linda Gonzalez to handle.

Amendments:

1. Article 5.01(b)(6): "... Member who has served as an Elected Official, City Manager or City Attorney shall be ~~four~~ three percent (~~4~~3%) of the final"
2. Include the List of Quasi – City Entities (City of Miami Beach General & Unclassified Employees Retirement System, Police and Fire Pension, and Visitor and Convention Authority)
3. Administration to confirm that no other employees are left out.

City Clerk's Note: Scrivener's error in Commission Memorandum:

- 1) Under "Proposed Amendments", page 329 in the Commission Agenda, bullet number six – "For Tier a unclassified"
- 2) Under a summary of the benefit enhancements and other retirement changes are as follows: No. 15 on page 332 of the Commission Memorandum, the last sentence in the 3rd paragraph, "...ordinance for members who joined the unclassified plan on or after October 18, ~~2003~~ 1992."

Handout or Reference Materials:

1. List of quasi-City employees – General and Unclassified Employees Retirement System, Police and Fire and Visitor & Convention Authority employees.

11:38:59 a.m.

- R5F An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **First Reading.**
(Labor Relations)

ACTION: Ordinance approved on First Reading as amended. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Ballot vote: 5-0; Absent: Commissioners Cruz and Libbin. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Linda Gonzalez to handle.

See discussion for this item with Item R5E.

Vice-Mayor Steinberg stated in reference to item R5F, for the healthcare benefit the vested period is ten years for newly elected officials; he suggested that this be changed from ten years to five years for elected officials and the City Manager and City Attorney. Amendment accepted without objection.

12:14:54 a.m.

- R5G An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **First Reading.**
(Human Resources)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 5-0; Absent: Commissioners Cruz and Libbin. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

3:46:23 p.m.

R5H An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement; Providing For Repealer, Severability, Codification And Effective Date. **First Reading.**
(Finance Department)

ACTION: Heard in conjunction with item R7A. **Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for March 8, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Patricia Walker to handle.

Mayor Dermer thanked Raul Aguila, First Assistant City Attorney, and the City Administration for their hard work.

Mike Eidson, President of the Miami City Ballet Board of Trustees, spoke.

Edward Villella, Founding Artistic Director and CEO, spoke.

R7 - Resolutions**3:40:31 p.m.**

R7A A Resolution Following A Duly Noticed Public Hearing On February 8, 2006, Approving, By 5/7ths Vote, And Authorizing The Mayor And City Clerk To Execute A Lease Agreement Between The City And Miami City Ballet, Inc., For The Lease Of The Ballet Studio Facility Building, Located At 2200 Liberty Avenue, Miami Beach, Florida; Said Lease Subject To And Contingent Upon The City's Proposed Purchase Of The Ballet Building; Further Waiving, By 5/7ths Vote, The Appraisal And Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City; And Further Approving And Authorizing The Mayor And City Clerk To Execute A Purchase Agreement Between The City And The Ballet, For The City's Purchase Of The Ballet Building. **3:00 p.m. Public Hearing.**

(Finance Department)

ACTION: Heard in conjunction with R5H. Public hearing held. **Resolution No. 2006-26125 adopted and the lease agreement amended.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to handle.

Lease Agreement amendments:

1. Section 5.1(xi) (page 4) ".....granted or withheld in Landlord's ~~reasonable~~ sole and absolute discretion....."
2. 6.1.2, second paragraph (page 5) ".....fire alarm, roof, security alarm and fire protection system sprinklers."
3. 12.1, (page 10) "Tenant's ~~Landlord's~~ Maintenance Obligations."

Raul Aguila, First Assistant City Attorney, distributed changes into the record for the lease agreement and also changes in regards to the purchase agreement.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Amendments to Lease Agreement

12:43:37 p.m.

R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Chen And Associates, Inc., Dated September 8, 2004, In An Amount Not To Exceed \$347,925; For The Provision Of Additional Planning, Design, Permitting, Bid And Award, And Construction Administration Services For Additional Streetscape Improvements, Water And Wastewater Main Upgrades In The City Center Right Of Way Improvements Project. **Joint City Commission and Redevelopment Agency.**

(Capital Improvement Projects)

ACTION: Item heard in conjunction with RDA Item 2A. **Resolution No. 2006-26126 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Cruz. Jorge Chartrand to handle.

12:44:49 p.m.

R7C A Resolution Resolving That, Pursuant To Sec. 21-279(B), Miami-Dade County Code Of Ordinances, The Provisions Of Miami-Dade County Ordinance No. 05-206 Do Not Apply Within The Jurisdiction Of The City Of Miami Beach; Further Directing The City Clerk To Provide A Copy Of This Resolution To The Clerk Of The Board Of County Commissioners Immediately Upon Approval; Setting An Effective Date.

(City Manager's Office)

ACTION: Resolution No. 2006-26103 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Garcia; Voice vote: 5-1; Opposed: Vice-Mayor Steinberg; Absent: Commissioner Cruz. Robert Parcher to transmit to the Clerk of the Board of County Commissioners.

Mayor Dermer stated that since the ordinance was announced the number of registered sexual predators has decreased from 33 to 23. He stated that this is a very positive step for the City and he is very proud of it.

Vice-Mayor Sternberg stated that by opting out we are creating a weaker ordinance, a weaker law and creating confusion in the community.

Commissioner Libbin stated that due to time constraints if the City does not opt out, the City is required to have the penalties of Miami-Dade County. He stated that the City preserves all of its options by opting out of the County and then revising the City's Code as needed.

Commissioner Gross suggested opting out and giving Mayor Dermer an opportunity to read the Miami-Dade County ordinance and decide if our ordinance needs amending.

Vice-Mayor Steinberg stated that he is opposed to opting out because the time crunch could have been avoided. He added that an ordinance more inline with the County's should have been before the Commission today.

1:01:00 p.m.

R7D A Resolution Adopting The Third Amendment To The General, Enterprise And Internal Service Fund Budgets For Fiscal Year (FY) 2004/2005 Budget To Appropriate Funds To Amend Certain Budgets.
(Budget & Performance Improvement)

ACTION: Resolution No. 2006-26127 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Kathie Brooks to handle.

Commissioner Libbin stated that the surplus is being transferred to the reserves but there are needs in the Capital Improvement Department which should be addressed to enhance the Departments ability to complete some of their projects.

Jorge Gonzalez, City Manager, stated that by placing the surplus into the reserves it accomplishes exactly what Commissioner Libbin wants to accomplish. These funds could be used for funding projects that need additional money. He announced that there will be a City Commission Workshop March 1, 2006 to discuss CIP Programs and additional funding can be discussed at that time.

1:36:47 p.m.

Supplemental Material: Exhibits: A, B, and C

R7E A Resolution Approving Amendment No. 2, In A Not To Exceed Amount Of \$425,000 To The Design/Build Agreement, For The Washington Avenue Improvements, Phases II, IV, And V, With Ric-Man International, Inc., To Provide Design, Permitting, Construction And Construction Administration Services, For The Restoration Of Medians In Washington Avenue And The Installation Of New Landscaping From 6th Street To 16th Street, And Appropriating Funds, In The Amount Of \$425,000 For The Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26128 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

Amendment:

Increase the amount by \$150,000 (\$75,000 from Quality of Life funds and \$75,000 from the Capital Investment Upkeep Account) from \$425,000 to \$575,000.

Commissioner Gross requested to upgrade from the small shade tree to the hurricane palms with multi trunks.

Christopher Latt, Parks and Recreation Department - Urban Forester, spoke.

Handout or Reference Materials:

1. Two pages of color pictures of *Caesalpinia granadillo* or *Bridalveil*, and *Clerodendrum quadriloculare*
2. One page of color picture of a *Dictyosperma album* var. *aureum* (hurricane palm single trunks)

NEW ITEM:

Jorge Gonzalez, City Manager, announced that during the lunch break a ribbon cutting ceremony will be held for the sidewalk improvement and bathrooms addition to Lummus Park.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:**Committee on the Homeless:**

Lisa Ware	Term expires 12/31/06	Appointed by Commissioner Cruz TL12/13
-----------	-----------------------	--

Community Development Advisory Committee:

David Smith	Term expires 12/31/07	Appointed by Commissioner Libbin TL12/13
Diana Susi	Term expires 2/31/06	Appointed by Mayor Dermer TL12/13

Community Relations Board:

Brad Fleet	Term expires 12/31/07	Appointed by Commissioner Bower TL12/13
Joe Fontana	Term expires 12/31/07	Appointed by Commissioner Cruz TL12/13
Gilbert Squires	Term expires 12/31/07	Appointed by Mayor Dermer TL12/10

Convention Center Advisory Board:

Jeff Lehman	Term expires 12/31/07	Appointed by Commissioner Bower TL12/13
-------------	-----------------------	---

Disability Access Committee:

John Bennett	Term expires 12/31/06	Appointed by Commissioner Bower TL12/13
--------------	-----------------------	---

Fine Arts Board:

Eva Barreto	Term expires 12/31/06	Appointed by Commissioner Bower TL12/13
Debra Kainen	Term expires 12/31/07	Appointed by Commissioner Garcia TL12/13

Golf Advisory Committee:

George Castillo	Term expires 12/31/06	Appointed by Commissioner Bower TL12/13
Linda Leibovici	Term expires 12/31/07	Appointed by Mayor Dermer TL12/09

Health Advisory Committee:

Dr. Rascicief Socarraz Health Provider	Term exp. 12/31/07	City Commission App. TL 12/09
--	--------------------	-------------------------------

Dr. Ronald Shan Private Industry	Term exp. 12/31/07	City Commission App. TL 12/09
Daniel Nixon Private Industry	Term exp. 12/31/07	City Commission App. TL 12/07

Hispanic Affairs Committee:

Jared Lopez	Term expires 12/31/06	Appointed by Commissioner Libbin TL12/13
Jose Aleman	Term expires 12/31/07	Appointed by Commissioner Bower TL12/13

Loan Review Committee:

Michael Rotbart	Term expires 12/31/07	Appointed by Commissioner Bower TL12/13
-----------------	-----------------------	---

Marine Authority:

Joel Alberbach	Term expires 12/31/07	Appointed by Mayor Dermer TL12/12
Gus Zuloaga	Term expires 12/31/07	Appointed by Commissioner Cruz TL12/13

Miami Beach Commission on the Status of Women:

Merisue Beloff	Term expires 12/31/06	Appointed by Commissioner Steinberg TL12/13
Jane Hayes	Term expires 12/31/07	Appointed by Commissioner Libbin TL12/13
Barbara Herskowitz	Term expires 12/31/07	Appointed by Commissioner Bower TL12/13
Marjorie York	Term expires 12/31/07	Appointed by Commissioner Bower TL12/13

Parks and Recreational Facilities Board:

Meryl Wolfson	Term expires 12/31/06	Appointed by Commissioner Bower TL12/13
---------------	-----------------------	---

Police Citizens Relations Committee:

Mark Tamis	Term expires 12/31/07	Appointed by Commissioner Garcia TL12/11
Carl Zablotty	Term expires 12/31/07	Appointed by Mayor Dermer TL12/09

Public Safety Committee:

Francisco Ruiz	Term expires 12/31/07	Appointed by Mayor Dermer TL12/11
----------------	-----------------------	-----------------------------------

Safety Committee:

Robert Arkin	Term expires 12/31/07	Appointed by Commissioner Libbin TL12/13
Barbara Gillman	Term expires 12/31/06	Appointed by Commissioner Cruz TL12/13

R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION:**Health Advisory Committee:**

Motion made by Commissioner Gross to reappoint to the Health Advisory Committee. Appointments made by acclamation.

1:21:32 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

1. Carlos Gonzalez, known as "Carlitos," stated that he has been living on the streets without food and medicine and stated that he is disgusted with what the City has done to the people.
2. Marty Evans directs the CBA Group, a Miami Beach based independent think-tank, management and marketing consulting organization, and he requested to speak for information purposes only regarding the Miami Beach wireless project. This project is one of the most important projects and perhaps one of the most potentially controversial projects. The reason is that it involves a disruptive new technology and concept that threatens the status quo of existing internet and telecom providers such as BellSouth, Wireless Oceans, and Atlantic Broadband. He distributed a booklet from the Wireless Internet Conference to the members of the City Commission that were not able to attend and a packet that he put together. He stated that providing free wireless internet services is another side of western civilization.

Handout or Reference Materials:

1. Book titled "Building the Untethered Nation: A Strategic Guide for Communities on Wireless Technology and Broadband Infrastructure."

3. Jeffrey Sadowsky from the Hebrew Academy Special Projects, asked the City Commission permission to use the parking lot of the Hebrew Academy for one day, Sunday, February 19th, 2006, to park cars as a fundraiser during the Boat Show. He explained that he spoke to Chuck Adams, Assistant Parking Director, was told to ask for emergency parking.

Commissioner Libbin stated that the finding and declaring the existence of an emergency parking and allowing the Miami Beach Senior High Parent Teacher Association (MBSH-PT) to park in the swale was approved as part of the consent agenda.

Motion made by Vice-Mayor Steinberg to reconsider the above mentioned motion. Discussion continued and no vote was taken.

Jorge Gonzalez, City Manager, stated that he would like the Parking Department to review this request and asked Mr. Sadowsky which parking lot he wants to use.

Jeffrey Sadowsky stated that it is the Hebrew Academy's; the new one that is being built on Pine Tree Drive.

Jorge Gonzalez, City Manager, stated that he will have the Parking Department take a look at this. He asked where the students and teachers are going to park, and Mr. Sadowsky replied that they are only requesting the use of the parking lot on Sunday.

Vice-Mayor Steinberg suggested that the City Commission delegate the authority to the City Manager to discuss this request with the Parking Department to see if it is advisable to do, and on his own initiative make that decision. This was approved without objections. **Saul Frances to handle.**

4. Bunny Patchen, representing the Miami-Dade County Noise Aviation Abatement Task Force, stated that this Task Force presented a document that is forcing the Head Controller to follow the procedure manual prepared by the Federal Aviation Administration (FAA). It has taken 10 years and it does not change any of the present flyovers. She stated that there has been a reduction in flights and there are newer aircrafts that are less noisy. This needs to be supported to make it far better for the other surrounding communities. She explained that in the past eight months the Task Force has met but cannot get a quorum. She emphasized that this document is now in Atlanta for perusal after it has been up for public comment. She stated that it should be approved to keep the Head Controller's feet to the fire so that he cannot use safety issues as an excuse.

Handout or Reference Materials:

1. Book titled Operational Mitigation Procedures Draft Environmental Assessment, Miami International Airport, prepared for Miami-Dade Aviation Department, Miami-Dade, October 2005.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Item not reached.

1:13:31 p.m.

R9C Discussion Regarding A Resolution Supporting The Passage Of An Ordinance Pending Before The Miami-Dade County Commission Requiring An Emergency Response Plan From Gas Stations Located In The Incorporated And Unincorporated Areas For The Provision Of Fuel During Local State Of Emergency.

(Requested by Vice-Mayor Richard L. Steinberg)

ACTION: Discussion held. **Resolution No. 2006-26129 adopted as amended.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Vice-Mayor Steinberg will transmit to the Miami-Dade County Mayor, County Commissioners, and County Manager. Legal Department to amend the Resolution.

Amendment:

Vice-Mayor Steinberg, at the City Manager's recommendation, will add to the resolution a provision that will require Miami Beach gas stations to notify the City of their hurricane plans particularly as it relates to fueling.

R9D Discussion Regarding The Turtle Nesting Protection Ordinance.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Item referred to the Land Use and Development Committee without objection. Jorge Gomez to place on the Committee agenda. **Fred Beckmann to handle.**

R9E Discussion Regarding The Foul Smell Emanating From The Sewer Pump Station at 28th Street And Pine Tree Drive.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item withdrawn by Commissioner Garcia if a meeting is held today at 5:00 p.m. between the neighbors and the Administration.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report - October 2005.

(Parking Department)

ACTION: Written report submitted.

B1 Parking Status Report - November 2005.

(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

1:16:21 p.m.

- E Status Report On The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)

ACTION: Written report submitted.

Commissioner Libbin stated that during Agenda Review with Jorge Gonzalez, City Manager, a commitment to plan to have above-ground pools operating on time, if and when needed, was discussed. He stated that he has yet to see any work being done on the pool. He added that the pool will be open or the proper provisions will be made.

Jorge Gonzalez, City Manager, stated that staff is working on the above-ground pool option and an LTC will outline what is needed to have an above-ground pool. The City Commission will have a chance to vote on what action should be taken. **Kevin Smith to handle.**

Jorge Chartrand, CIP Director, stated that the Building Department has resolved the concerns with the existing installations and repairs. They are not presently working in the pool area because they are waiting for the documents for the pool design to be approved. He stated that he hopes the pool design issues will be resolved by the end of next week. Equipment cannot be brought on site until the roof of the equipment room is done, which is part of the structural issues which have just been recently resolved. Technically, the pool portion is not moving as fast as it should. The Administration is talking with the contractor about expediting the project via an incentive program. Once the permit issue was resolved the contractor began moving fast but there are still serious concerns about having the pool completed by the beginning of summer. Even if expedited it still will be cutting it very close.

Jorge Gonzalez, City Manager, explained that separately from working with this contractor, the Administration has been working on a plan for the above ground pools. This can be added to the report for the next Commission Meeting. **Kevin Smith to handle.**

Commissioner Libbin suggested that at the March 8 City Commission meeting, if the Commission so desires, a decision could be made on spending funds for the above ground pools.

- F Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive****February 8, 2006**

Chairman of the Board David Dermer

Member of the Board Matti Herrera Bower

Member of the Board Simon Cruz

Absent

Member of the Board Luis R. Garcia, Jr.

Member of the Board Saul Gross

Member of the Board Jerry Libbin

Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez

Assistant Director Tim Hemstreet

General Counsel Murray H. Dubbin

Secretary Robert E. Parcher

AGENDA**1. OLD BUSINESS**

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District And South Pointe (Pre-Termination Carry Forward Balances) For The Month Of November 2005.
(Finance Department)

ACTION: Written report submitted.

- B Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District And South Pointe (Pre-Termination Carry Forward Balances) For The Month Of December 2005.
(Finance Department)

ACTION: Written report submitted.**12:42:30 p.m.****2. NEW BUSINESS**

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Appropriating And Authorizing The Use Of City Center Redevelopment Area Interest Earnings, In An Amount Not -To-Exceed \$347,925, For Amendment No. 1 To The Agreement Between The City Of Miami Beach And Chen And Associates, Inc., Dated September 8, 2004, For The Provision Of Additional Planning, Design, Permitting, Bid And Award, And Construction Administration Services For Additional Streetscape Improvements, Water And Wastewater Main Upgrades To The City Center Right Of Way Improvements Project.
Joint City Commission and Redevelopment Agency.
(Capital Improvement Projects)

ACTION: Item heard in conjunction with Item R7B. **Resolution No. 524-2006 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Commissioner Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to

handle.

12:44:04 p.m.

B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Florida, Approving A Settlement Providing For The Early Termination Of The Retail Lease Between The Miami Beach Redevelopment Agency (RDA), As Landlord, And Abkey No 17, Inc., D/B/A Fuddruckers, As Tenant, Dated September 8, 1999, For Suites 1 Through 3 And 4 In The Anchor Shops, Located At 1551 Washington Avenue, Miami Beach, Florida; Approval Of The Aforestated Settlement Subject To And Conditioned Upon Tenant's Execution And Satisfaction Of The Terms And Conditions Set Forth In The Letter Agreement, Dated February 8, 2006, Between The RDA And The Tenant; Further Authorizing The Chairman And Secretary To Execute A New Retail Lease With The Replacement Tenant, BBQ Beach, Inc., For The Above Described Retail Premises.

(Redevelopment Agency)

ACTION: Resolution No. 525-2006 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Tim Hemstreet to handle.

Meeting adjourned 3:53:51 p.m.

End of RDA Agenda